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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,416	01/15/2004	Soo Young Oh	0465-1798PUS1	3383

2292 7590 10/25/2007  
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EXAMINER
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HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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10/25/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/757,416	<b>Applicant(s)</b> OH ET AL.	
	<b>Examiner</b> Jason Heckert	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____ |
|---|--|

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 15-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 15-24 are drawn to a method for operating a laundry machine, classified in class 8 subclass 158, whereas the original claims, and new claims 8-14, are classified in class 68 subclass 5C. The apparatus of claims 1-14 could be operated by a different method, such as draining excess water before the production of steam. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

3. Applicant's arguments filed 7/5/07 have been fully considered but they are not persuasive. Applicant has amended the claims to include the limitation that the drain contains an upper inlet to drain water inside of the container to a level below the upper inlet. Examiner feels that this claim language does not differentiate the instant

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application from the previously presented prior art. Morton shows a drain with an upper inlet in the vicinity of 40. Water in the container, that enters this exit, drains to a level below the upper inlet, specifically in the vicinity of 36. Thus Morton presents structure that reads on claim 1.

4. In order to overcome Morton, applicant should positively recite the structure that allows the residual water in the tank to descend to a lower level than the drain inlet.

***Claim Rejections - 35 USC § 103***

5. Claims 1-2, 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Morton. Nakamura et al. disclose a steam generator for a washing machine comprising a heater 6. The generator exhausts steam into a drum. Nakamura et al. does not disclose that the container has a drain. . Morton discloses a sealed humidifier (col. 3 lines 20 – 22) with a drainpipe 34 with exit 40. This pipe has an upper opening disposed in the container higher than the water level 28 and has a lower end 36 positioned outside the container. Water in the container that enters this exit, drains to a level below the upper inlet, specifically in the vicinity of 36, which is at the bottom. The drain operates when water is at a certain level, specifically a level higher than the exit 40. Morton's drainpipe operates like a siphon, with the water flowing from the higher opening out the lower opening and can therefore be considered a siphon pipe. It would have been obvious at the time of the invention, to modify the steam generator of Nakamura et al. and provide a sealed container with a drain, as taught by Morton, in order to prevent leaks yet allow for the removal of residual water.

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6. In regards to claims 10, 13-14, it is well known that if it is desired to drain all fluid from a system, to locate the drain inlet at the bottom of a tank or receptacle, such as in a common sink. Gravity can be utilized to remove fluid without the addition of another device or power source. Thus, locating a drain inlet near the bottom is considered to be a design choice obvious to one skilled in the art for removing all of the contained fluid. It has been held that an obvious choice in design, which presents no novel or unexpected result, is not patentable. *In re Kuhle*, 188 USPQ 7. Furthermore, altering the location of the drain exit 40 is nothing more than a rearrangement of parts, or a change in height of tubing 34, a cause effective variable. Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). It is well settled that determination of optimum values of cause effective variables such as height of drain tubing, is within the skill of one practicing the art. *In re Boesch*, 205 USPQ 215 (CCPA 1980). Thus, it would have been obvious at the time of the invention to modify the location of the drain inlet, to allow for the removal of fluids to a desired level.

7. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Morton and further in view of De Loach. Neither Morton nor Nakamura et al. disclose a siphon cap covering a drainpipe. De Loach discloses a water treatment apparatus that has an area for collecting water comprising a drainpipe 35 with a cap 81 disposed over top forming a channel along with water rises. This cover has a blocked upper side that covers the top of pipe 35 and is arranged so that water can flow through ports 83 that have a height of H. The solid area in between these ports functions as support ribs to keep the cap in place. Furthermore, these ribs

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area radially dispersed with the cap fixed above them, and therefore some fixing means equivalent to a groove must exist. Furthermore, ribs with grooves are a common support structure that is notoriously well known in the art and their use cannot be considered novel. In regards to claim 5, Morton discloses said features of a drainpipe as stated above. It would have been obvious at the time of the invention, to modify Nakamura et al. with the features of Morton, as stated above, and further include a drain cover as taught by De Loach in order to provide a channel for water to travel before exiting the system to prevent air from flowing out the drain.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

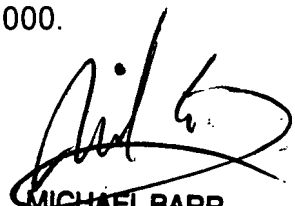
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

  
MICHAEL BARR  
SUPERVISORY PATENT EXAMINER